

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Our Ref: 1038-1176 MIS:sd

In re

Application No.: 09/914,205

Filing Date: N/A

Applicant: Charles D.Y. Sia et al.

Title: EXPRESSING GP140 FRAGMENT OF PRIMARY HIV-1 ISOLATE  
April 30, 2001

The Commissioner of Patents  
and Trademarks,  
Washington, D.C. 20231,  
U. S. A.

DECLARATION UNDER 37 CFR 1.47 (a)

RECEIVED

JUL 30 2002

OFFICE OF PETITIONS

I, Reza Yacoob, of 5353 Floral Hill Crescent, Mississauga, Ontario, L5V 1

V2, declare as follows:

1. I am a member of the Patents Department of Aventis Pasteur Limited (formerly Connaught Laboratories Limited) and have personal knowledge of the facts set forth herein.

2. This application was filed as a U.S. national phase filing- of PCT/CA00/00190 which claimed priority from U.S. Application No. 09/256,194 filed Feb. 24, 1999. Charles D. Y. Sia had signed a Declaration and Power of Attorney in connection with U.S. Application No. 09/256,194.

3. On January 2, 2002, I arranged for a complete copy of the specification for this application including drawings to be couriered by Federal Express, with Tracking Number 474490446770, to Charles D. Y. Sia at his last known address, namely 133 Torredale Avenue, Suite 901, Toronto, Ontario, Canada, M2R 3T2, along with a Declaration and Power of Attorney document, with a request that he execute and return the paper.

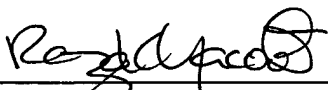
The shipment was delivered on January 10, 2002 and signed for by Charles D. Y. Sia. The requested executed Declaration and Power of Attorney has been received from Charles D.Y. Sia.

4. Charles D. Y. Sia terminated employment with Aventis Pasteur Limited on September 28, 2000 and since that time has consistently not returned papers required to be executed in connection with various patent applications in which he is a named inventor.

5. The invention which is the subject of this application was made during the period of time that Charles D. Y. Sia was employed by Aventis Pasteur Limited. The terms of his employment oblige Charles D. Y. Sia, according to paragraph 2 of the Confidentiality Agreement dated November 15, 1988, attached hereto as Exhibit I, to execute all papers in connection with any invention made during the course of his employment. As noted above, the Declaration and Power of Attorney in connection with the priority application was executed by Charles D. Y. Sia, as well as an assignment to Connaught Laboratories Limited.

6. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and believe are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Declared at Toronto, Ontario, this 13 day of May, 2002

  
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Reza Yacoob